HELA (1956) Dept

Health

Memo. No. 107601/54

Dated 15-11-54

Closed
Supdt.
JM

Suit O.S. No 167/49 and 110/52 Dist- Munsiff Court - Kollegal against the Trustees of Sivasamu dharam Shaga, Kollegal Tq/ arrear amount - write off - approval - requested.

L.F. 32.

LOCAL ADMINISTRATION Department

From (Name) Sri P.K.Nambiar, I.A.S.,

Designation Collector and Special Officer,Dist. Board,

Station Coimbatore. P.B.No.42.

Received Registered

To

The Secretary to Government,
Health, Education and Local Admini tration Department,
M A D R A S.
Thro' The Examiner of L.F.Accounts,Madras

Enclosures: Roc No. 15654/D1/47. dated 10--9--1954.

EXAMINER OF LOCAL FUND ACCOUNTS
2813
13 SEP 1954
MADRAS

Sir,

Sub: Suit--O.S.No.147/49 and 110/52, Dist.Munsiff Court--Kollegal against the Trustee of Sivasamudhram Dharga, Kollegal taluk--decree amounts--write off--approval requested.

Sanitary arrangements were made during the Ramzan festiva at Sivasamudhram Dharga in Kollegal taluk in the year 1946--47,1947--4 1948--49, 1949--50 and 1950--51 and the entire expenditure has been borne by the District Board. As per G.O.No.1630,P.H.,dated 22--4--1 the trustee of the temple has to pay the following contributions to the District Board for the above years being 50% contribution fixed.

WC

	Rs. as. Ps.	
1946--47	100--12--0	O.S. 147/49-
1947--48	119--4--0	
1948--49	154--15--0	
1949--50	154--5--0	O.S. 110/52.
1950--51.	121--8--0	
	650 1- -6	

The trustee of the temple was repeatedly reminded for the payment. Notice and destraint warrent etc., were issued on the Trustee. All these steps were infructious.

Then to realise the above contribution amounts, two suits bearing nos.147/49 and 110/52 were filed in the Dist. Munisiff Court, Kollegal against the trustee of the Dharga and decrees obtained in favour of the Board for Rs. 764--3--8 including Court costs and with further interest at 5% till the date of payment. Execution proceedings were taken, as the trustee failed to remit the decree amounts. Arrest warrents were obtained thrice but could not be executed as the trustee managed to be absent during the pendency of the arrest warrents. Finally, the execution proceedings were closed by the Court on 17-2-54.

There upon it was proposed to attach the properties of th Darga. The District Board Licence Inspector, Kollegal properties of the Judgemen [illegible], 1

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1950--51.	121--8--0	

1.5 -6

The trustee of the temple was repeatedly reminded for the payment. Notice and destraint warrent etc., were issued on the Trustee. All these steps were infructuous.

Then to realise the above contribution amounts, two suits bearing nos. 147/49 and 110/52 were filed in the Dist. Munisiff Court, Kollegal against the trustee of the Dharga and decrees obtained in favour of the Board for Rs. 764--5--8 including Court costs and with further interest at 5% till the date of payment. Execution proceedings were taken, as the trustee failed to remit the decree amounts. Arrest warrents were obtained thrice but could not be executed as the Trustee managed to be absent during the pendency of the arrest warrents. Finally, the execution proceedings were closed by the Court on 17-2-54.

There upon it was proposed to attach the properties of the Darga. The District Board Licence Inspector, Kollegal

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MADRAS.
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There upon it was proposed to attach the properties of t Trustee of the Darga. The District Board Licence Inspector, Kollegal who was asked to report ~~the~~ properties of the Judgement debtor, [illegible] reported that the trustee posses no properties (moveable or immovable) of his own.

Further it was considered whether the waste lands of the temple and the collection of the temple can be attached and the Board's lawyer is of opinion that it will be fertile to bring the waste lands of the Dharga to sale as no one will come forward to bid and that there is no provision to attach the offerings made by the devotees to Darga.

All possible steps have been taken to realise the decree amounts but no amount could be collected. So there is no other go except to write off the dues.

The District Board in its resolution No.424 dated 30--8--54 was resolved to write off the dues with the further interest. A copy of the resolution is enclosed.

In the circumstances, I request you to accord sanction for the written off the amount.

CVS/11.9.
11/9

FOR SPECIAL OFFICER. DIST. BOARD.

Copy of proceedings of the District Board, Coimbatore, dated 30--8--54.

Papers relating to suit O.S.No.147/49 and 110/52, D.M.C. Kollegal against the Trustee of Sivasamudhram Darga in Kollegal taluk for the recovery of Rs. 650--12--0 being the 50% of the contribution amounts due to this District Board for the sanitary arrangements made during the Ramzan Festival at Sivasamudhram Darga in the years 1940-47, to 1950-51 and decrees obtained in favour of the District Board for Rs. 764--5--8 including Court Costs and with further interest.

Letter dated 25--3--54 from the Dist. Board Vakil Sri G.M. Puttaniyya, B.A.B.L., Advocate, Kollegal stating that the execution proceedings in the above suits were closed by the Court, as the arrest warrents obtained could not be executed.

Reports dated 12--6--54 & 21--7--54 of the Licence Inspector, Kollegal stating that the trustee of the temple possess no property of his own (immovable nor movable) and the waste lands of the Darga temple could not be brought for sale, as no one will come forward to bid and there is no provision to attach the offerings made by the devotees to the Darga, after consultation with the Dist. Board Vakil at Kollegal.

Office note dated 31--7--54 stating that as all possible steps have been taken to realise the dues to the District Board, the whole amount may be written off with the sanction of the Board and Government.

GOVERNMENT
28 OCT 1954
10760
HEALTH AND LOCAL ADMN. DEPT.

District Board Res. No. 422.

1. The decree amounts with further interest may be written off.
2. Government be addressed for approval.

Sd/ P.K. Nambiar.
Special Officer.

/True extract /

LF5238
23.10.54

Office of the Examiner of Local
Fund Accounts, Madras-1.

Forwarded.

2. In the circumstances stated there is no objection to sanction being accorded for writing off the decreed amounts covered by the suits referred to in the letter of the Special Officer, District Board.

P-1 ante

P.V.S. Manian 22.10.54
(P.V.S.Manian)
Examiner of Local Fund Accounts.

22/10/54

To
The Secretary to Government,
Health, Education and Local Administration
Department, Madras.

HELACA37

Write off

~~Sanitation~~ - Coimbatore Dt. Board

Decree amount, etc in O.S. Nos

~~Suit - O.S. No.~~ 147/49 and 110/52 -

P-1 C/- District Munsiff Court Kollegal

Proposal sanctioned -

~~Against the trustee of Sivasamudram~~

~~Dharga~~ - ~~waiver~~ ~~writing off~~ ~~of amount~~ -

~~proposal~~ - Written off as irrecoverable

HH/16/11 P-1 C/- From the Collector and Special Officer Dt. Board, Coimbatore Roc. No. 15654/D1/47 dt 10-9-51

P-3 C/- From the L.F. Exr., L.F. 5238 dt 23.10

Memo. No. 107601 H3/54-1 dt 15-11-54

The Govt. approve the proposal of the Dt. Board, Coimbatore

P-1 C/- to write off as irrecoverable the ~~amount~~ sum of Rs. 764-5-8 (Rupees Seven hundred and Sixty four Annas five and pies eight) ~~due to the District Board~~ being the amount of decree, court costs and interest ~~being that of the ... obtained~~ thereon payable by

P-1 C/- ~~obtained against~~ the trustee of the Sivasamudram Dharga in the Kollegal taluk, to the D.B. ~~and the interest thereon and the cost~~

P-1 C/- ~~of the two suits~~ in O.S. Nos. 147/49 and 110/52 ~~on~~ the file of the District Munsiff Court, Kollegal.

CENTRAL D_PATCH BRANCH
Despatcher's Initials

f 18/11/54

Th L6-S/12/11/54

To

~~The D.P.H.~~

To The Collr & Special Officer, Dt. Bd Coimbatore

Coy to Exr. L.F.A.

11-11-54

11-11-54

13/11/54

15/11/54